

SENATE BILL No. 566

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-22; IC 12-17-15.

Synopsis: Accreditation of first steps providers. Beginning July 1, 2003, requires an individual who provides early intervention services to infants and toddlers under the first steps program to be accredited by an independent national accreditation organization. Allows the division of family and children to establish exemptions necessary to comply with federal law. Establishes the infants and toddlers with disabilities accreditation advisory board and specifies membership and meeting requirements. Allows an individual to provide early intervention services for a maximum of six months without being accredited. Makes technical corrections.

Effective: July 1, 2001.

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January 23, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 566

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-22, AS AMENDED BY P.L.272-1999,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 22. "Board" means the following:

4 (1) For purposes of IC 12-10-10 and IC 12-10-11, the community
5 and home options to institutional care for the elderly and disabled
6 board established by IC 12-10-11-1.

7 (2) For purposes of 12-12-7-5, the meaning set forth in
8 IC 12-12-7-5(a).

9 (3) For purposes of IC 12-15-35, the meaning set forth in
10 IC 12-15-35-2.

11 (4) For purposes of IC 12-17-2-36, the meaning set forth in
12 IC 12-17-2-36(a).

13 (5) For purposes of IC 12-17-15, the meaning set forth in
14 IC 12-17-15-1.5.

15 SECTION 2. IC 12-17-15-1.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. As used in this chapter,**



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1 **"board" refers to the infants and toddlers with disabilities**
 2 **accreditation advisory board established by section 21 of this**
 3 **chapter.**

4 SECTION 3. IC 12-17-15-6, AS AMENDED BY P.L.121-1999,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2001]: Sec. 6. (a) The ~~section~~ **division** shall do the following:

7 (1) Carry out the general administration and supervision of
 8 programs and activities receiving assistance under this chapter,
 9 monitor programs and activities implemented by the state,
 10 regardless of whether the programs and activities are receiving
 11 assistance under this chapter, and ensure that the state complies
 12 with 20 U.S.C. 1431 through 1445 in implementing this chapter.

13 (2) Identify and coordinate all available resources from federal,
 14 state, local, and private sources, including public and private
 15 insurance coverage and utilizing all existing applicable resources
 16 to the full extent of the resources.

17 (3) Develop the procedures to ensure that early intervention
 18 services are provided to infants and toddlers with disabilities and
 19 their families in a timely manner pending the resolution of
 20 disputes among public agencies and providers.

21 (4) Resolve disputes within an agency or between agencies.

22 (5) Enter into formal interagency agreements that define the
 23 financial responsibility of each agency for paying for early
 24 intervention services consistent with Indiana law and procedures
 25 for resolving disputes, including all additional components
 26 necessary to ensure meaningful cooperation and coordination.

27 (b) The state shall designate an individual or entity responsible for
 28 assigning financial responsibility among appropriate agencies under
 29 this chapter.

30 SECTION 4. IC 12-17-15-10 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The governor
 32 shall:

33 (1) designate a member of the council to serve as the chairman of
 34 the council; or

35 (2) require the council to designate a chairman from within its
 36 membership.

37 (b) A member of the council who is a representative of the ~~section~~
 38 **division** may not serve as chairman of the council.

39 (c) A chairman may be reappointed for succeeding terms.

40 SECTION 5. IC 12-17-15-15, AS AMENDED BY P.L.121-1999,
 41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2001]: Sec. 15. The council shall do the following:

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(1) Advise and assist the ~~section~~ **division** in the performance of the responsibilities set forth in section 6 of this chapter, particularly the following:

(A) Identification of the sources of fiscal and other support for services for early intervention programs.

(B) Use of the existing resources to the full extent in implementing early intervention programs.

(C) Assignment of financial responsibility to the appropriate agency.

(D) Promotion of the interagency agreements.

(2) Advise and assist the ~~section~~ **division** in the preparation of applications required under 20 U.S.C. 1431 through 1445.

(3) Prepare and submit an annual report to the governor, the general assembly, and the United States Secretary of Education by November 1 of each year concerning the status of early intervention programs for infants and toddlers with disabilities and their families.

(4) Periodically request from the agencies responsible for providing early childhood intervention services for infants and toddlers with disabilities and preschool special education programs written reports concerning the implementation of each agency's respective programs.

(5) Make recommendations to the various agencies concerning improvements to each agency's delivery of services.

(6) Otherwise comply with 20 U.S.C. 1441.

SECTION 6. IC 12-17-15-16, AS AMENDED BY P.L.121-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) To the extent that the services are appropriate, the council shall advise and assist the department of education regarding the transition of toddlers with disabilities to preschool special education services under IC 20-1-6.

(b) The council may advise and assist the ~~section~~ **division** and the department of education regarding the provision of appropriate services for children who are five (5) years of age or younger.

SECTION 7. IC 12-17-15-17, AS AMENDED BY P.L.121-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. Upon the recommendations of the council, the ~~section~~ **division** shall adopt rules under IC 4-22-2 providing for a statewide system of coordinated, comprehensive, multidisciplinary, interagency programs that provide appropriate early intervention services to all infants and toddlers with disabilities and their families to the extent required under 20 U.S.C. 1431 through 1445.

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SECTION 8. IC 12-17-15-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 20. (a) This section does not apply to a physician licensed under IC 25-22.5.**

(b) This section applies, beginning July 1, 2003, to an individual who provides an early intervention service listed under section 3(b)(1) through 3(b)(7), 3(b)(9), or 3(b)(10) of this chapter to infants and toddlers with disabilities, regardless of whether the individual provides services as:

- (1) an employee of:**
 - (A) a hospital; or**
 - (B) an agency;**
- (2) an independent contractor with:**
 - (A) a hospital; or**
 - (B) an agency; or**
- (3) an independent provider.**

(c) Except as provided in subsection (d) or (e), beginning July 1, 2003, an individual described in subsection (b) must be accredited by one (1) of the following organizations in accordance with rules adopted by the division under IC 4-22-2:

- (1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.**
- (2) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.**
- (3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.**
- (4) The National Commission on Quality Assurance, or its successor.**
- (5) An independent national accreditation organization approved by the secretary.**

(d) After considering the recommendations of the board, the division may adopt rules under IC 4-22-2, to take effect July 1, 2003, to create exemptions to the accreditation requirement of this section that are necessary to comply with 34 CFR 303.361(g).

(e) An individual who:

- (1) initially becomes a provider of early intervention services for infants and toddlers with disabilities under this chapter after June 30, 2003; and**
 - (2) is not accredited as required by subsection (c);**
- may provide early intervention services under this chapter to infants and toddlers with disabilities for not more than six (6) months after initially providing early intervention services to any**

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1 **infant or toddler under this chapter.**

2 SECTION 9. IC 12-17-15-21 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2001]: **Sec. 21. (a) The infants and toddlers**
5 **with disabilities accreditation advisory board is established to act**
6 **in an advisory capacity to the division regarding the adoption of**
7 **rules for the implementation of the accreditation requirement**
8 **under section 20 of this chapter.**

9 **(b) The board shall be appointed as follows:**

10 **(1) Thirteen (13) members shall be appointed by the secretary**
11 **as follows:**

12 **(A) One (1) member who represents the council.**

13 **(B) One (1) member who represents hospital based**
14 **providers of early intervention services to infants and**
15 **toddlers with disabilities.**

16 **(C) One (1) member who represents agency based**
17 **providers of early intervention services to infants and**
18 **toddlers with disabilities.**

19 **(D) One (1) member who represents independent providers**
20 **of early intervention services to infants and toddlers with**
21 **disabilities.**

22 **(E) One (1) member who represents a university affiliated**
23 **program (as defined in 42 U.S.C. 6001(30)).**

24 **(F) One (1) member who represents the Indiana Chapter**
25 **of the American Academy of Pediatrics.**

26 **(G) One (1) member who represents the Riley Child**
27 **Development Center.**

28 **(H) One (1) member who is a parent of an infant or child**
29 **with disabilities.**

30 **(I) One (1) member who is an advocate for hospital based**
31 **providers.**

32 **(J) One (1) member who is an advocate for agency based**
33 **providers.**

34 **(K) One (1) member who is an advocate for independent**
35 **providers.**

36 **(L) One (1) member who is an advocate for individuals**
37 **with disabilities and their families.**

38 **(M) One (1) member who is a lay member of the Indiana**
39 **commission on mental retardation and developmental**
40 **disabilities.**

41 **(2) At least one (1) but not more than five (5) additional**
42 **members appointed by the secretary. Each member appointed**

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under this subdivision must have similar qualifications to at least one (1) member appointed under subdivision (1). The number of members appointed under this subdivision must result in an odd number of voting members of the board.

(3) The director of the division or the director's designee.

(4) One (1) member shall be appointed by the chairman of the legislative council to represent the general assembly.

(c) The secretary shall appoint a member of the board to act as chairperson.

(d) The office of the secretary shall provide staff support to the board.

(e) The board shall meet at least quarterly.

(f) Each member of the board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(i) Each member of the board who is a member of the general assembly is a nonvoting member.

(j) The affirmative votes of a majority of the voting members appointed to the board are required for the board to take action on any measure, including final reports.

(k) This section expires June 30, 2002.

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